

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DAVID HYMOND,

Petitioner,

v.

**ROBERT HOUSTON, and
DENNIS BAKEWELL,**

Respondents.

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8:07CV438

**MEMORANDUM
AND ORDER**

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, a Motion to Proceed In Forma Pauperis, and a copy of his institutional trust account statement. (Filing Nos. 1, 2 and 5.)

Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. 28 U.S.C. § 1914(a). However, pursuant to 28 U.S.C. § 1915(a)(1)-(2), and after considering Petitioner's financial status as shown in the records of this court, provisional leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the fee at this time.

IT IS THEREFORE ORDERED that:

The application to proceed in forma pauperis (Filing No. 2) is provisionally granted and Petitioner will not be required to pay the \$5.00 fee at this time.

DATED this 5th day of February, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge